

EXHIBIT “E”

VIRGINIA: IN THE CIRCUIT COURT OF FAIRFAX COUNTY

INTEGON NATIONAL INSURANCE COMPANY

Plaintiff

vs.

Civil Action No. CL 2021-00641

PALWINDER SINGH, BANK OF AMERICA N.A.

Previous Chancery No. CH

Defendant

SERVE:

FRIDAY MOTIONS DAY – PRAECIPE/NOTICE

Moving Party: Plaintiff Defendant Other

Title of Motion: Motion to Amend Complaint Attached Previously Filed

DATE TO BE HEARD: March 26, 2021 Time Estimate (combined no more than 30 minutes): 10 minutes

Time to be Heard: 9:00 a.m. with a Judge 9:00 a.m. without a Judge

10:00 a.m. (Civil Action Cases) Does this motion require 2 weeks notice? Yes No

11:30 a.m. (DOMESTIC/Family Law Cases) Does this motion require 2 weeks notice? Yes No

Case continued from: _____ continued to: _____
(Date) (Date)

Moving party will use *Court Call* telephonic appearance: Yes No

Judge _____ must hear this motion because (check one reason below):

- The matter is on the docket for presentation of an order reflecting a specific ruling previously made by that Judge.
- This Judge has been assigned to this entire case by the Chief Judge; or,
- The Judge has advised counsel that all future motions, or this specific motion, should be placed on this Judge's Docket; or,
- This matter concerns a demurrer filed in a case where that Judge previously granted a demurrer in favor of demurrant.

PRAECIPE by: Michael J. Carita

LevineCarita PLC

Printed Attorney Name/ Moving Party Name

Firm Name

1010 Cameron Street, Alexandria, VA 22314

Address

703-370-5569

703-370-5572

35702

mcarita@comcast.net

Tel. No.

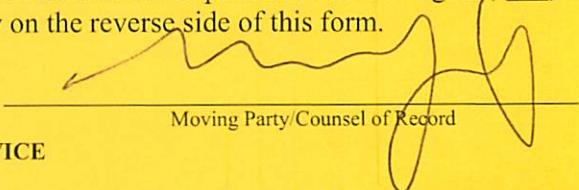
Fax No.

VSB No.

E-Mail Address

CERTIFICATIONS

I certify that I have in good faith conferred or attempted to confer with other affected parties in an effort to resolve the subject of the motion without Court action, pursuant to Rule 4:15(b) of the Rules of the Supreme Court of Virginia; and, I have read, and complied with, each of the Instructions for Moving Party on the reverse side of this form.


Moving Party/Counsel of Record

CERTIFICATE OF SERVICE

I certify on the 19th day of March, 2021, a true copy of the foregoing Praeclipe was

mailed faxed delivered to all counsel of record pursuant to the provisions of Rule 4:15(e) of the Rules of the Supreme Court of Virginia.


Moving Party/Counsel of Record

INSTRUCTIONS FOR MOVING PARTY

DATE/TIME: All motions should be noticed for the 10:00 a.m. Civil Action Docket or the 11:30 a.m. Domestic/Family Law Docket (All Divorce cases, adoptions and Juvenile & Domestic Relations Court Appeals) unless the moving party believes the motion will be uncontested. All motions believed to be uncontested should be noticed for 9:00 a.m. All motions noticed for 9:00 a.m. should be set without a judge, unless evidence will be required (e.g., *Ex Parte* Proof, Infant Settlements, Fiduciary Matters), or if it is necessary for the order to be entered that morning rather than in chambers at a later time. **A minimum of two weeks' notice is required for all motions for Summary Judgment, Demurrers, Pleas in Bar, motions pertaining to discovery disputes and other motions for which any party desires to file a memorandum.** A memorandum of points and authorities of five pages or less must accompany any of these pleadings and any other motion placed on the Two Week Docket. If either party believes it necessary to file a memorandum exceeding five double-spaced pages, then the parties must utilize the Briefing Schedule procedure: contact opposing counsel or the opposing party and by agreement conduct a telephone conference call with the Calendar Control Judge, (703) 246-2221; or, if agreement is not possible, give advance notice of an appearance before the Calendar Control Judge to establish a Briefing Schedule.

Each side should bring a draft proposed order to Court on the day of the hearing, as the ruling must be reduced to an order that day, absent leave of Court. Cases may only be removed from the docket by the Court or by counsel for the moving party or the moving party. One Week Motions may be removed from the docket up until 4:00 p.m. on the Thursday preceding the hearing date, by contacting the Motions Clerk: (703) 246-4355. Two Week Motions may not be continued or removed from the docket after 4:00 p.m. on the Friday preceding the hearing date, without leave granted by the Judge assigned to hear the motion, for good cause shown.

If a hearing on any motion must take longer than thirty (30) minutes, the moving and responding parties, or their counsel, should appear before the Calendar Control Judge to request a hearing for a day other than a Friday. See, "Motions Requiring More than 30 Minutes" in "Friday Motions Docket Procedures" on the Court's website at <https://www.fairfaxcounty.gov/circuit/sites/circuit/files/assets/documents/pdf/civil-friday-motions-docket-procedures.pdf>

MOTIONS TO RECONSIDER: Do not set a Motion to Reconsider for a hearing. (See Friday Motions Docket Procedures, available from the Clerk's Office, the Bar Association office or on the Court's website at the address above.

CERTIFICATIONS OF MOVING PARTY/COUNSEL: Rule 4:15 (b) of the Rules of the Supreme Court of Virginia provides in pertinent part that "Absent leave of court, and except as provided in paragraph (c) of this Rule, reasonable notice shall be in writing and served at least seven days before the hearing. Counsel of record shall make a reasonable effort to confer before giving notice of a motion to resolve the subject of the motion **and to determine a mutually agreeable hearing date and time.**"

CERTIFICATE OF SERVICE: Pursuant to Rule 4:15 (e), a motions pleading shall be deemed served when it is actually received by, or in the office of, counsel of record through delivery, mailing, or facsimile transmission; not when it is mailed or sent.

INFORMATION FOR MOVING PARTY

COURTCALL TELEPHONIC APPEARANCE: In most cases, Virginia attorneys may appear by phone in lieu of appearing in Court for the hearing. To set up a telephonic appearance, you must call (888) 882-6878. For information, please visit the Court's website at <https://www.fairfaxcounty.gov/circuit/services/courtcall>. The Clerk's Office prefers that you notify it that you have set up a telephonic appearance by calling (703) 246-2880 no later than 4:00 p.m. on Thursday prior to the hearing date. The Court encourages use of this procedure, and either party may appear by phone.

NOTE: Telephonic appearance is only for members of the Virginia State Bar and licensed attorneys allowed to practice *pro hac vice* in the Fairfax County Circuit Court (with a member of the Virginia State Bar present over the phone or in person)

CONCILIATION PROGRAM: The Fairfax Circuit Court strongly encourages use of conciliation procedures to resolve motions. The Fairfax Bar Association's Conciliation Program conducts conciliation without charge by experienced litigators, who meet in person or by telephone with all interested parties. To request conciliation, fax a Request for Conciliation form to the Fax Hotline, (703) 273-1274; e-mail a request for conciliation to: ffxconciliation@aol.com; or leave a voice mail message at (703) 627-1228. You will be contacted before the hearing date by a representative of the Conciliation Program.

VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

INTEGON NATIONAL INSURANCE COMPANY]
Plaintiff]
vs.]
PALWINDER SINGH] Case No.:2021-00641
and]
BANK OF AMERICA N.A.]
a/k/a, BANK OF AMERICA NATIONAL]
ASSOCIATION]
Defendants]

**MOTION TO AMEND COMPLAINT OF INTEGON NATIONAL INSURANCE
COMPANY**
FOR DECLARATORY JUDGMENT TO ADD/SUBSTITUTE PARTY DEFENDANT

Plaintiff Integon National Insurance Company (“Integon”), by Counsel, pursuant to Virginia Supreme Court Rules 1:8 and 3:16, requests this Court to permit it to file an Amended Complaint which will remove Defendant Bank of America, N.A. as a party defendant and add WILMINGTON TRUST, NATIONAL ASSOCIATION, Not in its individual capacity, but solely as Trustee for MFRA Trust 2014-2, as a party defendant in this matter. In support of this motion Plaintiff astates as follows:

This case involves a dispute over a fire loss and homeowner’s insurance policy issued by Plaintiff to Defendant Palwinder Singh. Mr. Singh’s mortgage company has made a claim for coverage under the policy.

Originally, the mortgage in question was issued/held by Defendant Bank of America, NA. However, it is now known that the mortgage in question was actually assigned on October 17, 2017 from Defendant Bank of America, NA to WILMINGTON TRUST, NATIONAL ASSOCIATION,

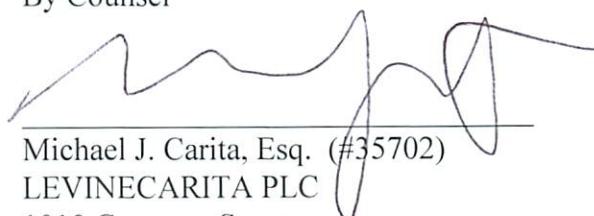
Not in its individual capacity, but solely as Trustee for MFRA Trust 2014-2. (See Assignment of Deed of Trust, attached as Exhibit A).

Plaintiff now seeks to file the attached Amended Complaint, which would remove Bank of America, NA as a party defendant and add WILMINGTON TRUST, NATIONAL ASSOCIATION, Not in its individual capacity, but solely as Trustee for MFRA Trust 2014-2 as the proper mortgagee defendant.

Defendant Singh has not yet been served with the original Complaint, and Bank of America, NA consents to this Motion.

Wherefore, Plaintiff requests this Court to grant its motion and deem the attached Amended Complaint as properly filed.

INTEGON NATIONAL INSURANCE COMPANY
By Counsel



Michael J. Carita, Esq. (#35702)
LEVINECARITA PLC
1010 Cameron Street
Alexandria, VA 22314
Tel. 703-370-5569
Fax. 703-370-5572
mcarita@comcast.net

Certificate of Service

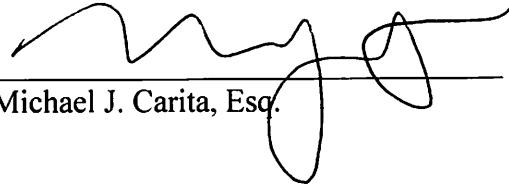
I hereby certify that a copy of the above was mailed, first class postage pre-paid, this 19th day of March, 2021, to:

Palwinder Singh
817 Walker Road
Great Falls, VA 22066-2610
Defendant *pro se*

and emailed to:

N. Patrick Lee, Esq.
MC GUIREWOODS LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102
plee@mcguirewoods.com
Counsel for Bank of America, NA

Dated: March 19, 2021



Michael J. Carita, Esq.

PREPARED BY & RETURN TO:

C. R. Hall
2860 Exchange Blvd. # 100
Southlake, TX 76092

Parcel # 013-1-01- 0028-A_Y

Assignment of Deed of Trust

Send Any Notices To Assignee.

For Valuable Consideration, the undersigned, **BANK OF AMERICA, N.A.** 1800 Tapo Canyon Rd, Simi Valley, CA 93063 (Assignor) by these presents does assign, and set over, without recourse, to **WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR MFRA TRUST 2014-2** c/o MFResidential Assets I, LLC, 350 Park Avenue, 20th Floor, New York, NY 10022 (Assignee) the described mortgage/deed of trust with all interest, all liens, any rights due or to become due thereon, executed by **PALWINDER SINGH, HUSBAND** to **BANK OF AMERICA, N.A. and PRLAP, INC.**, as trustee. Said mortgage/deed of trust Dated: 3/18/2008 is recorded in the State of VA, County of Fairfax on 3/25/2008, as Book 19848 Page 0228 Instrument 2008007659.003 AMOUNT: \$ 842,080.00 Trustee(s): **PRLAP, INC.** Property Address: 817 WALKER ROAD, GREAT FALLS, VA 22066



SINGH DBD *17119458*

IN WITNESS WHEREOF, the undersigned entity has caused this instrument to be executed by its proper signatory. Executed on: October 17, 2017

BANK OF AMERICA, N.A. By Orion Financial Group, Inc. Its Attorney in fact

By:

Connie M. Riggsby, Vice President

Attest: J. Renteria

POWER OF ATTORNEY IS BEING RECORDED SIMULTANEOUSLY HEREWITHE

VA Fairfax

870221373
MFA/BOA2017-5/SFR



VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

INTEGON NATIONAL INSURANCE COMPANY]

Plaintiff]

vs.]

PALWINDER SINGH]

Case No.:2021-00641

and]

BANK OF AMERICA N.A.]

a/k/a, BANK OF AMERICA NATIONAL
ASSOCIATION]

Defendants]

**ORDER GRANTING MOTION TO AMEND COMPLAINT TO ADD/SUBSTITUTE
PARTY DEFENDANT**

THIS MATTER, having been brought on the Motion of Plaintiff to file an Amended Complaint, and

IT APPEARING that the Motion should be GRANTED,

IT IS ORDERED that the Amended Complaint is deemed properly filed, and that Bank of America, N.A. is dismissed from this case, and WILMINGTON TRUST, NATIONAL ASSOCIATION, Not in its individual capacity, but solely as Trustee for MFRA Trust 2014-2 is hereby added as a party Defendant.

AND THIS MATTER IS CONTINUED FOR FURTHER PROCEEDINGS.

Entered this ____ day of March, 2021.

Judge, Fairfax County Circuit Court

WE ASK FOR THIS:

Michael J. Carita, Esq. (#35702)
LEVINECARITA PLC
1010 Cameron Street
Alexandria, VA 22314
Tel. 703-370-5569
Fax. 703-370-5572
mcarita@comcast.net
Counsel for Plaintiff

SEEN AND _____:

Palwinder Singh
817 Walker Road
Great Falls, VA 22066-2610
Defendant *pro se*

SEEN AND AGREED:

N. Patrick Lee, Esq.
MC GUIREWOODS LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102
plee@mcguirewoods.com
Counsel for Bank of America, NA